

REMARKS

In response to the Office action of July 1, 2003, in which an election as between the following groups of claims for prosecution on the merits was requested: Group I (claims 1-17 and 19-22) drawn to a method for treating a neoplasm; and Group II (claim 18) directed toward a combination composition, please consider the following. An election of a single matrix metalloproteinase inhibitor and neoplasm to be treated was also requested.

Applicants elect to prosecute the claims of Group I, claims 1-17 and 19-22, drawn to a method to treat a neoplasm. Moreover, Applicants elect lung cancer for the neoplasm to be treated and Agouron AG-3340 as the matrix metalloproteinase inhibitor (the compound of claim 15). Claims 1-4, 15, and 19-22 read on the elected species. The claim of Group II, claim 18, has been cancelled as drawn to a non-elected invention.

According to M.P.E.P. §809.02(c), an examiner's action subsequent to an election of species should include a complete action on the merits of all claims readable on the elected species and according to M.P.E.P. §809.02(e), whenever a generic claim is found to be allowable in substance, action on the species claims shall thereupon be given as if the **generic** claim were allowed. Thus, if it is determined that the elected species is patentable, it is incumbent upon the Office to search **additional species** that fall within any allowable generic claims.

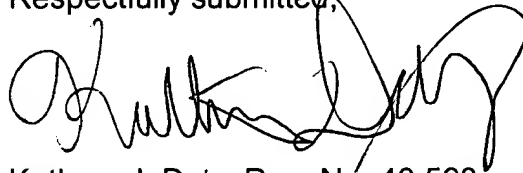
Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims.

CONCLUSION:

The applicants do not believe any fees are due as a result of filing this amendment, however, if there are any additional charges in this matter, please charge Deposit Account No. 19-1345.

A Power of Attorney and change of correspondence address was mailed on December 1, 2003. For the Office's convenience a copy of that document is enclosed with this response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathryn J. Doty', written over a horizontal line.

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